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LAWS

OF

THE TERRITORY OF LOUISIANA:

PASSED BY THE

GOVERNOR AND JUDGES

ASSEMBLED IN LEGISLATURE, IN THE MONTH OF OCTOBER, 1810.

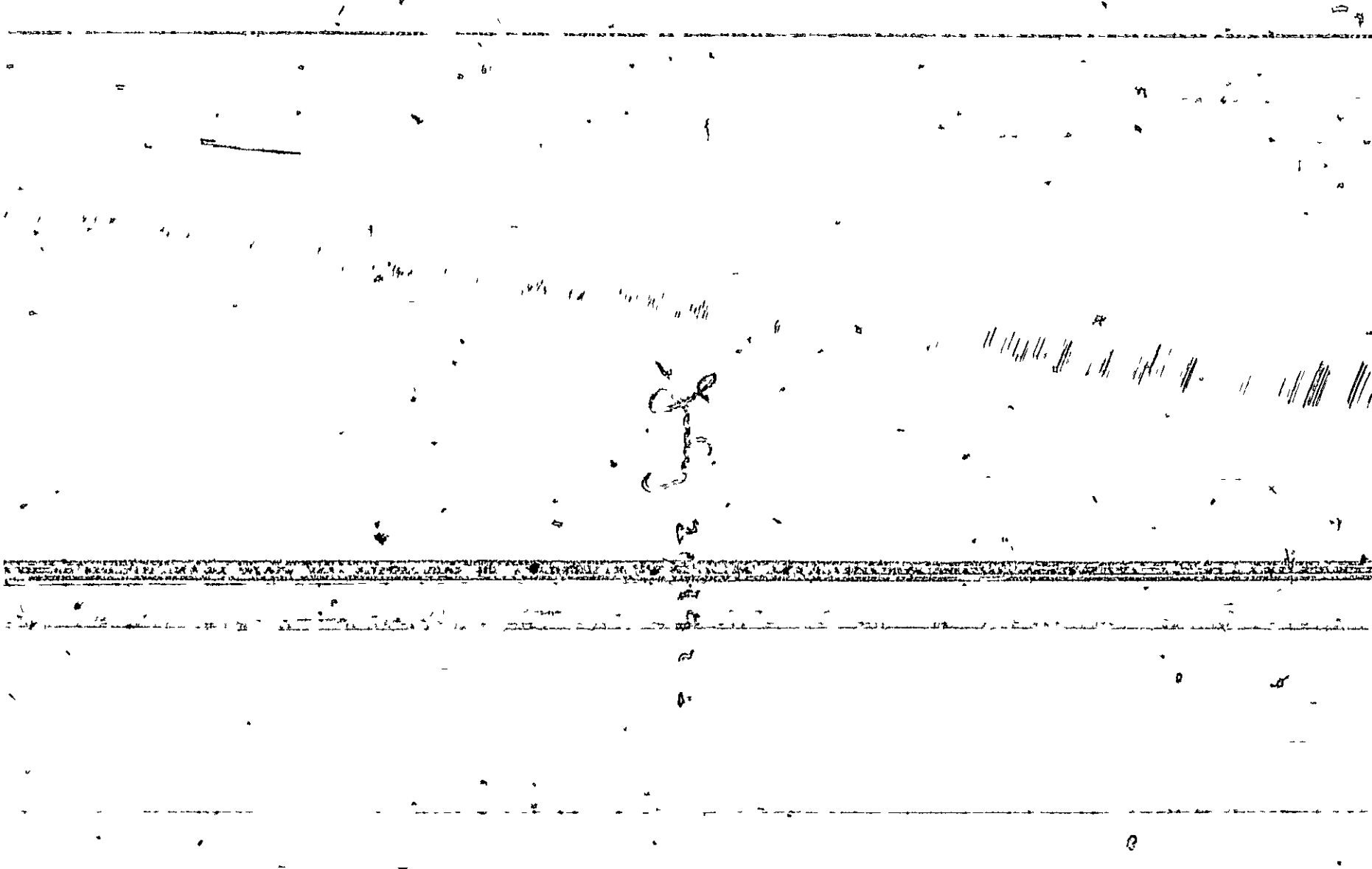
PUBLISHED BY AUTHORITY.

ST. LOUIS, (L.)

PRINTED BY JOSEPH CHARLESS,

PRINTER TO THE TERRITORY.

1810.



LAWS
OF
LOUISIANA TERRITORY.

AN ACT,

Regulating the mode of selecting and returning Jurors in certain cases.

BE *it enacted by the Legislature of the Territory of Louisiana*, That the several Courts within this Territory before whom Juries are required, are hereby authorized to direct the respective Sheriffs to summon a sufficient number of persons to perform the duties of Jurors.

Courts to direct shff. to summon Jurors.

Sec. 2. Every male resident within the Territory, of lawful age, shall be subject to the summons of the Sheriff for the purposes aforesaid, excepting such persons as are herein excepted. All persons exercising the functions of Clergymen, Practitioners of Physic, Attornies at Law, Sheriffs, Clerks of Courts, Ferry-Keepers, Constables and Judges of the Courts of record. And the said Courts are hereby required to divide the task of serving on Juries as nearly equally as practicable among the Citizens summoned before them as Jurors. And in order the more effectually to obtain the impartial administration of justice, the several courts may direct the several sheriffs to avoid persons of ill fame, or those

Every male of lawful age liable to be summoned.

exceptions.

service to be divided equally among the jurors summoned.

shff's not to summon persons of ill

fame or under undue influence.

who may labour under the undue influence of either party.

Fine for non attendance.

Sec. 3. Every perſon ſummoned by the ſheriff to ſerve as a juror, who ſhall fail to attend, agreeably to ſuch ſummons, ſhall be fined, not exceeding the ſum of ten dollars, unleſs a ſatisfactory excuſe is offered.

not more than $10.

Former act repealed.

Sec. 4. The act of this territory entitled 'An act regulating the manner of ſelecting and returning jurors in certain caſes,' paſſed 24th day of October 1808, is hereby repealed.

In force 1 Jan. 1811.

Sec. 5. The foregoing is hereby declared to be a law of the Territory to take effect and be in force from and after the firſt day of January next.

In teſtimony whereof, we Benjamin Howard, governor, and John Coburn, and Otho Shrader, judges, in and over the Territory of Louiſiana, have hereunto ſet our hands, at the town of St. Louis, the twenty fifth day of October, in the year of our Lord one thouſand eight hundred and ten, and of the Independence of the United States, the thirty fifth.

(Signed.)

BENJAMIN HOWARD,
JOHN COBURN,
OTHO SHRADER.

AN ACT,

Supplemental to the act, entitled 'An act providing for the division of districts into townships, and for the appointment of Justices of the peace and constables.'

BE *it enacted by the Legislature of the Territory of Louisiana*, That the court of Common Pleas in their respective districts, shall exercise all and singular the duties heretofore required from the commissioners by the act to which this act is a supplement.

Com. pleas to discharge the duties of the commissioners, under the orig. act.

Sec. 2. If the court of Common Pleas shall, at any time fail to appoint a constable for any township, it shall be lawful for the Justices of the Peace of such township or a majority of them, to appoint some person as constable until the appointment is made by the court.

On failure of com. pleas to appoint constable township justices may do it. pro tem.

Sec. 3. The foregoing is hereby declared to be a law of the Territory of Louisiana, to take effect and be in force, from and after the passage thereof.

In force on passage.

Passed October 25th, 1810.

(Signed)

BENJAMIN HOWARD,

Governer of the Territory of Louisiana.

JOHN COBURN,

OTHO SHRADER,

Judges in and over said Territory.

AN ACT

Regulating the mode of Judicial proceedings in certain cases, and extending certain powers to the General Court.

Gen. court vested with chan. powers.

BE it enacted by the Legislature of the Territory of Louisiana, That in all cases where a remedy cannot be had in the ordinary course of the common law proceeding, the General Court shall exercise a chancery jurisdiction; and the complainant may, on filing a bill or petition with the Clerk of the General Court, stating the nature of his complaint, obtain from the said Clerk, a summons which shall be served and returned by the Sheriff as in ordinary cases.

summons to issue on compt: filing a bill with clerk.

Compt: to deliver to shff. a copy of the bill, to be served on deft:

Sec. 2. It shall be the duty of every person who obtains a summons as aforesaid, to deliver to the sheriff a copy of his bill or petition filed as aforesaid, which copy the sheriff shall deliver to the defendant, or leave it at his usual place of abode where service of the summons is made. If there be more than one defendant, the said copy shall be delivered to the one first named in the summons, if he be resident within his district, and if not, to the one next named in the summons that is resident of said district.

if more than one, to be served on the one first named.

Answer to be filed during the first six days of the term.

Sec. 3. It shall be the duty of the defendant, in suits brought by summons as aforesaid to file his answer with the Clerk of said Court, during the first six days of the term

to which the ſummons is made returnable. And in ſuch caſe either party may ſet the cauſe for hearing at the next term: and on application to the Clerk, obtain a Dedimus to take depoſitions and direct ſubpœnas to ſummons witneſſes under the ſame rules and regulations as in ordinary caſes.

if answer be filed, cause may be set for trial by either party, at the term ensuing the return and deds to take depos. and subps. may issue.

Sec. 4. If the defendant ſhall fail to file his anſwer during the firſt ſix days of the term as aforeſaid, if he reſides within the territory, the complainant may direct the cauſe to be ſet for hearing at the next term; proceed to take depoſitions, iſſue ſubpœnas for witneſſes and demand a trial of the cauſe, or proceed to take the bill or petition as confeſſed in ſuch mode as the court may direct. If the defendant or defendants reſide out of the territory, and cannot be found to be ſerved with a ſummons, the complainant ſhall cauſe public notice to be given in any News-paper printed in the territory in ſuch manner as the Court may direct requiring the defendant or defendants to appear and file an anſwer by a day given him or them by the Court, or that the bill ſhall be taken as confeſſed, and a decree be entered up accordingly.

If deft. fail to file his answer, compt. may set the cause for hearing, take depos. &c. demand trial. bill taken as confessed.

non resident defts. how proceeded against.

Sec. 5. If the defendant ſhall, within one month preceding the ſecond term as aforeſaid file his anſwer or a demurrer to the bill or petition, and give notice thereof to the complainant, his agent or counſel, he may prepare for and proceed to trial at the ſaid ſecond term: *Provided* that the com-

Trial at 2d. term if deft's. bill be filed one month previously.

Proviso.

plainant ſhould not ſatisfy the court that the matter contained in the defendants anſwer would require an amended bill, or that it was inſufficient.

insufficient answer.

Sec. 6. If, in the opinion of the court, a defendant ſhall file an inſufficient anſwer, he may be directed to file an amended anſwer *instanter*, and in caſe of failure, the court may proceed to hearing and decree.

amendments to bills and answers.—

Sec. 7. Amendments to bills and anſwers ſhall be permitted as in ordinary caſes, *provided* that the party amending ſhall be ſubject to all the coſts accruing in conſequence thereof, and that neither party be ſurprized or unneceſſarily delayed thereby: and every demurrer to bills, or exceptions to anſwers ſhall be diſpoſed of with the leaſt poſſible delay.

Deft. to swear to his answer.

Sec. 8. Every defendant before he files his anſwer ſhall make oath or affirmation to the ſame before any Judge or Juſtice of the Peace within the territory, and if the defendant reſides out of the territory, he may ſwear to the ſame before any judge or juſtice of the peace of the ſtate or territory in which he reſides.

Ne Exeat may be ordered by gen. Court or a judge thereof in vacation.

Sec. 9. The General Court, or any judge thereof in vacation may order and direct that writs of Ne Exeat or injunction may iſſue agreeably to the rules preſcribed in this act.

Auditors, when to be appointed.

Sec. 10. In all matters of account ariſing under ſuits inſtituted within the purview of

this act or in any other ſuit at law, the General Court ſhall be authorized to appoint Auditors and inſtruct them in ſuch manner, as the court may deem moſt proper.

An iſſue to be made up and tried by a jury at the inſtance of either party.

Sec. 11. If, in the progreſs of a ſuit thus inſtituted either party ſhould require a jury for the determination of any facts ariſing in the ſuit the court ſhall cauſe an iſſue to be made up and direct a Jury to be impanelled without delay.

Decree to be executed in ſame manner as judgment at law.

Sec. 13. A decree given by the General Court in purſuance of this law, ſhall have the ſame effect and be carried into execution, in the ſame manner as a judgment given at common law.

Notice to be given of application for injuc. to ſtay proceedings.

Sec. 14. No injunction ſhall be granted to ſtay any proceedings at law, unleſs the party praying therefor ſhall firſt give reaſonable notice in writing to the adverſe party, if within the territory, or to his known agent or attorney, if he has any within the territory; but if the party does not reſide within the territory, and has no known agent or attorney therein, then notice ſhall be put up at leaſt ten days in the office of the clerk of the General Court, which notice ſhall ſtate the time and place of applying for ſuch injunction. The ſervice of which notice ſhall be proven by one witneſs, at leaſt, or the acknowledgment of the adverſe party endorſed thereon. Nor ſhall any injunction

how to be given non-reſidents.

ſervice of notice how proven.

judgt. injoin.

ed as to part.

be granted to ſtay any judgment at law, for a greater ſum than the complainant ſhall ſhew himſelf equitably not bound to pay, and ſo much as ſhall be ſufficient to cover coſts. And every injunction when granted ſhall operate as a releaſe to all errors in the proceedings at law, that are prayed to be injoined. Nor ſhall any injunction be iſſued unleſs the complainant ſhall have previouſly executed a bond with ſufficient ſurety to the defendant approved of by the court or Judge granting ſuch injunction and filed with the clerk in double the ſum directed to be injoined, conditioned for the payment of all money and coſts due or to be due to the plaintiff in the action at law: and alſo all ſuch coſts and damages as ſhall be awarded againſt the complainant, in caſe the injunction ſhall be diſſolved. If the injunction be diſſolved in the whole or in part, the complainant ſhall pay ſix per centum on the whole or ſuch part as may be releaſed from the injunction excluſive of legal intereſt and coſts. And the clerk ſhall iſſue an execution for the ſame, when he iſſues execution upon ſuch judgment.

Injn. releases errors.

bond.

6 per cent on diſſolution of injn.

Depoſitions.

Sec. 15. Depoſitions to ſupport or to diſſolve an injunction, taken agreeably to law in other caſes, may be read on the final hearing of the cauſe in which they may be taken.

Nonotice ne-

Sec. 16. No notice ſhall be neceſſary in

any cafe where application is made for an injunction in term time.

cessary in term time.

Sec. 17. Writs of Ne Exeat ſhall not be granted but upon bill or petition filed and affidavit to the allegations, which being produced to the General Court in term time or to any Judge thereof in vacation, the ſaid court or Judge may grant or refuſe ſuch writ, as to ſuch court or ſaid Judge ſhall ſeem juſt, and if granted the ſaid court ſhall cauſe to be endorſed on the bill or petition, and the ſaid judge in vacation ſhall endorſe thereon, in what penalty, bond and ſecurity be required of the defendant.

Writs of Ne Exeat, how granted.

court or judge to endorse on what penalty &c. deft. ſhall be bound.

Sec. 18. No writ of Ne Exeat ſhall iſſue until the complainant ſhall give bond and ſecurity in the office of the clerk of the General Court to be approved of by the General Court in term time or by the Judge thereof in vacation, to whom application is made, in ſuch penalty as the ſaid court or Judge thereof ſhall order, to be endorſed on the bill or petition. And in caſe of any perſon ſtayed by any ſuch writ of Ne Exeat ſhall think himſelf aggrieved, he may bring ſuit on ſuch bond, and if, on the trial, it ſhall appear that ſuch writ of Ne Exeat was prayed without a juſt cauſe the perſon injured ſhall recover damages.

Compt. to give bond to be approved by the court in term time.

deft. if aggrieved may recover damages.

Sec. 19. If the defendant or defendants to the bill ſhall go out of the territory, but ſhall return before perſonal appearance ſhall

Temporary abſence no breach of the bond.

be neceſſary to perform any order or decree of the court, ſuch temporary departure ſhall not be a breach of the condition of the bond.

Deft's security may surrender his principal.

Sec. 20. Whenever the defendant to the bill ſhall give ſecurity that he will not depart the territory, the ſecurity ſhall have leave at any time before the bond ſhall be forfeited to ſecure his principal in the ſame manner that bail may ſurrender their principal and obtain the ſame diſcharge.

No inju. of a judg. for less than $60 before a just. Peace, to be granted.

Sec. 21. No writ of injunction ſhall be granted to ſtay proceedings under a judgment obtained for a ſum not exceeding ſixty dollars before a juſtice of the peace.

Rules of chancery practice to be established by G. C.

Sec. 22. The General Court ſhall have power to eſtabliſh from time to time ſuch rules of practice as may be neceſſary to carry into effect the proviſions of this law and to bring ſuits inſtituted under this law, ſpeedily to a final determination.

Costs of publication to be taxed.

Sec. 23. The coſts attending the publication of any notice in a news-paper under this law, to be taxed like other coſts.

Condn. of compt's bond on obtaining a writ of Ne Exeat.

Sec. 24. The bond required to be given by a complainant, obtaining a writ of Ne Exeat ſhall be conditioned that he will proſecute his bill with effect, and that he will reimburſe to the defendant ſuch damages and coſts as he ſhall ſuſtain by occaſion of the writ.

Sec. 25. The bond to be given by the the defendant against whom a writ of Ne. Exeat shall issue, shall be conditioned that he will not depart from the territory without leave of the court and that he will perform the order or decree of the court. Condn. of deft's bond,

The foregoing is hereby declared to be a law of the territory of Louisiana, to take effect and be in force from and after the first day of January next. In force 1st, January 1811.

Passed 26 October, 1810.

(Signed)

BENJAMIN HOWARD.
Governor of the Territory of Louisiana.
JOHN COBURN,
OTHO SHRADER,
Judges in and over the said Territory.

AN ACT,

Supplemental to an act, entitled 'An act for the recovery of debts and demands not exceeding sixty dollars, before a Justice of the Peace.'

BE *it enacted by the Legislature of the Territory of Louisiana.* That it shall be the duty of every Justice of the Peace, on the application of any person having a demand not exceeding sixty dollars against another person to take cognizance thereof and proceed in the same manner as is provided by the act to which this act is a supplement, although the de- Justices of peace may take cognizance of demands agt. non residents provided deft. be found — and the cause of action has arisen there.

fendant may not reſide within the townſhip where the Juſtice has juriſdiction, *Provided* the cauſe of action did ariſe within the townſhip where the ſaid Juſtice has juriſdiction, and *Provided* that the defendant be found within ſuch townſhip.

Deft not to be held to bail.

Sec. 2. The defendant againſt whom a ſuit may be inſtituted as aforeſaid ſhall not be held to bail.

under what circumſtances an exon. may iſſue directed to a conſtable of another townſhip.

Sec. 3. In all caſes where a juſtice of the peace hath given or ſhall hereafter give a judgment under the act to which this act is a ſupplement, and it ſhall be ſuggeſted by the plaintiff or his agent to him, at the time of iſſuing the execution, that the defendant againſt whom ſuch judgment is rendered cannot be forced within the townſhip where the Juſtice reſides or that no goods and chattels can be found in the ſame townſhip to ſatisfy the judgment, in either caſe it ſhall be lawful for the Juſtice to iſſue an execution directed to the conſtable of ſuch townſhip within the diſtrict where the Juſtice reſides, as the plaintiff or his agent may deſignate; and it ſhall be the duty of the conſtable to whom the proceſs is directed to executethe ſame and make return thereof to the juſtice who iſſued the execution, in the manner provided by law reſpecting executions directed to the conſtable of the townſhip where the juſtice reſides.

Conſtable to make return to the juſtice who iſſued the execution.

Sec. 4. The foregoing is hereby declared to be a law of the Territory of Louisiana, to take effect from and after the first day of December next. In force on 1st Dec. 1810.

In testimony whereof, we Benjamin Howard, governor, and John Coburn, John B. C. Lucas, and Otho Shrader, judges, in an over the Territory of Louisiana, have hereunto set our hands at the town of St. Louis, the twenty sixth day of October, in the year of our lord, one thousand eight hundred and ten, and of the Independence of the United States, the thirty fifth.

(Signed)

BENJAMIN HOWARD,
JOHN COBURN,
JOHN B. C. LUCAS,
OTHO SHRADER.

AN ACT,

Supplementary to an act, entitled 'An act establishing courts of justice and regulating judicial proceedings.'

BE *it enacted by the Legislature of the Territory of Louisiana,* That the court of quarter sessions, in and for the district of Arkensas, shall have jurisdiction over all criminal offences, committed within said district; and that so much of an act, establishing courts of justice, and regu- Crim. jurisdic. vested in the Arkensas' dist. courts.

lating judicial proceedings as vests a power in any judge of the General Court to hold courts of Oyer and Terminer in said district, is hereby repealed.

Accts. or other writings need not be annexed to decln.

Sec. 2d. It shall not be required of any party to a civil suit in any court within this territory to annex a copy of any instrument in writing or account to the declaration, petition or statement, or to file the same with the clerk. If either party shall be desirous to examine a paper, which it is believed, the other party will offer in evidence, at the trial of the cause, such party may, at any time before the trial, demand of the party or his attorney a copy of such paper, and unless the copy is furnished within a reasonable time, after the demand is made the paper shall not be permitted to go in evidence at the trial. The party requiring such copy shall pay the same fees for copying as are allowed to the clerk of the court for making exemplifications of records.

to be furnished by adverse party on proper demd.

Fees for copy.

Suits may be cont. at instance of either party, first term.

Sec. 3. It shall be lawful for either party to continue his suit the first term to which the writ is made returnable; and the second term, no continuance shall be granted to either party unless for good cause shewn.

cause shewn at the second.

judge in vacation may reduce the sum for which bail is demanded.

Sec. 4. It shall be lawful for any judge of the court in vacation, out of which a writ of Capias ad respondendum issues, on the application of a defendant, or his agent, to enquire into the cause of action, and reduce

the ſum for which bail is demanded, if it ſhall appear to the judge that the ſum for which bail is demanded is greater than the cauſe of action requires; *Provided* reaſonable notice of ſuch application be given to the plaintiff or his attorney; *and Provided also*, that either party be permitted to appeal at the next term of the court from the deciſion given by the judge.

provisos notice and appeal.

Sec. 5. It ſhall be the duty of the clerk of every court of record to iſſue a writ of execution in conformity to the judgment rendered.

Exon. to iſsue in conformity to judgm.

Sec. 6. Where lands are ſold by a ſheriff in purſuance of an execution from the General Court, it ſhall not be lawful for the ſheriff to acknowledge the deed before the court of Common pleas until after the return of the writ of execution.

shf. not to acknowledge deed in com. pleas before return of exon. to Gen. Court.

Sec. 7. It ſhall be lawful for the General Court to grant to either party more than one new trial if it ſhall appear to the ſaid court that the jury have erred upon a queſtion of law.

More than one new trial may be granted in the Gen. Court.

Sec. 8. So much of a law of this territory as authoriſes the courts to make an allowance to clerks for ſtationary is hereby repealed.

Repeal of allowance to clerks for stationary.

Sec. 9. The General Court is authoriſed to impannel a Grand jury, whenever by the laws of the United States, certain duties are required to be performed by a Grand jury in the General Court.

Gen. court may impannel grand juries.

In force on passage.

The foregoing is hereby declared to be a law of the Territory of Louiſiana to take effect from and after the paſſage thereof.

Paſſed October 30th, 1810.

(Signed)

BENJAMIN HOWARD.
Governor of the Territory of Louisiana.
JOHN COBURN,
JOHN B. C. LUCAS,
OTHO SHRADER,
Judges in and over the Territory of Louisiana.

AN ACT,

To amend the 'Act regulating the fiscal concerns of the Territory,'

BE *it enacted by the Legislature of the Territory of Louisiana*, That there be appointed by the Governor a competent perſon as Auditor of Territorial Accounts: the ſaid auditor ſhall take an oath of office, and give bond with ſufficient ſurety to be approved of by the governor in the ſum of two thouſand dollars, conditioned for the faithful diſcharge of the duties of his office.

Territorial auditor.

oath and bond.

Sec. 2. The ſaid auditor is authorifed and required to ſtate and keep exact accounts of all officers of the Territory who are entitled to receive from the territorial Treaſury ſalaries fixed by law, and to audit and enter in accounts all other demands

To keep accts.

for money in the treasury, made under authority of any law, to settle the accounts of all public debtors and of all collectors of any revenue or tax levied under a law of this territory and payable to the treasurer, to call upon such debtors to render accounts at proper times, and on their failure so to do to instruct the Attorney General or his Deputies to proceed, by motion for compelling them to a final settlement; and though it should appear on trial that the defendant oweth no balance to the public; yet his having failed to render an account to the auditor and to take from him his *quietus* shall subject him to the payment of all costs incurred by such proceedings to the territory; to require information on oath or affirmation from any person party or privy to any matter relative to any account under his examination and material for his information; to state and keep all the accounts, so as to shew the amount of all certificates given on the treasurer, for what service or article of public expences they were given, and to lay before the Legislature the said general accounts, together with an account of all balances due to and from the territory as nearly as he shall be able.

to require settlements with public debtors.

cause them to be proceeded against.

may require oaths in the exam. of accts.

special accts. to be kept by the auditor.

Sec. 3. The auditor of the Territory shall keep a book in which he shall make an entry of every certificate which he shall draw on the Treasurer for the payment of money, in order, as he shall issue them, in such manner as to shew the date, the name

Acct. of certificates on treasurer numbered annually in progressive order.

of the perſon in whoſe favour it was drawn and the nature of the claim upon which it was founded: He ſhall begin the firſt day of January annually and number each certificate, beginning at number one, and continue progreſſively until the laſt day of December following inclusive.

Auditor to keep a book for treasurer's receipts

Sec. 4. The Auditor ſhall keep a book for the purpoſe of entering the Treaſurers receipts of all money paid into the treaſury by Sheriffs or any collectors of Territorial revenue.

Treasurer not to pay money except on auditors certificate.

Sec. 5. It ſhall not be lawful for the treaſurer to pay any money on account of the public; but on a certificate from the Auditor, ſave only the ſalery of the Auditor.

Treasurer to present his receipts for public money to the auditor.

Sec. 6. Where any perſon ſhall hereafter pay any ſum or ſums of money into the territorial treaſury, the treaſurer on receiving the ſame ſhall forthwith make out a receipt for the amount and carry the ſame to the auditor who is hereby required to give to the treaſurer his receipt or quietus therefor, and the treaſurer ſhall deliver the ſaid receipt or quietus to the perſon who ſhall have paid the ſum or ſums ſpecified therein. The ſtatement required by the 19th section of the law to which this law is a ſupplement to be forwarded to the territorial treaſurer it ſhall be the duty of the ſeveral Clerks to tranſmit to the territorial auditor.

Auditor to cause the Atty Genl. to move agt. delinquent sheriff.

Sec. 7. It shall be lawful for the territorial auditor to cause the Attorney General to move in the General Court against any sheriff or collector of public monies who has failed to obtain his *quietus* from said Auditor, the sheriff having had ten days previous notice thereof, and it shall be the duty of the court to fine the said sheriff for every such neglect in any sum not exceeding one hundred dollars nor less than twenty dollars and execution shall issue from the General Court for such fine and costs as in other cases.

Territorial auditor to be ex offo. auditor of St. Louis district.

salary.

Sec. 8. The territorial auditor shall be ex officio auditor of public accounts for the district of St. Louis and receive as a compensation for his services, an annual salary of two hundred and twenty five dollars, one hundred and twenty five dollars whereof to be paid out of the territorial treasury, and one hundred dollars out of the treasury of the district of St. Louis.

Other district auditors salaries.

Sec. 9. The Auditors of the several districts shall hereafter receive the following compensation annually in lieu of the salary heretofore allowed them, to wit, the auditors of the districts of St. Charles and St. Genevieve each one hundred dollars; the Auditor of the district of Cape Girardeau eighty dollars; the Auditor of the district of New Madrid fifty dollars, and the Auditor of the district of Arkensas forty dollars.

Auditors to hold appeals at the court house.

Sec. 10. The Auditors of the reſpective diſtricts ſhall hold appeals, annually, at the court houſe of the diſtrict and the ſame notice ſhall be given of ſuch appeal as is required by the law to which this law is a ſupplement of appeals held in townſhips, and it ſhall be the duty of the ſeveral aſſeſſors to attend there with their liſts.

Sheriffs to have three mo'ts. to collect the taxes.

Sec. 11. The ſheriffs of the reſpective diſtricts ſhall have three months to receive and collect the taxes, and within four months from the date of the warrant iſſued by the Auditor they ſhall account with ſuch auditor, and the Auditor ſhall allow the ſaid ſheriff in their ſettlement the amount of taxes due by perſons who may remove out of the diſtrict or who may prove inſolvent, the ſheriff making oath that he has uſed due diligence to collect the ſame or to the fact of removal or inſolvency, and it is hereby required that the ſheriffs file with the auditors a liſt of thoſe perſons on oath for the amount of what taxes he claims a credit.

allowance for removal and inſolveney.

repeal.

Sec. 12. So much of any law of this Territory as is repugnant to the proviſions of this act is hereby repealed.

In force 1st. Jan. 11.

The foregoing is hereby declared a law of the Territory of Louiſiana to take

effect and be in force from and after the first day of January next.

Passed October 30, 1810.

(Signed)

BENJAMIN HOWARD,

Governer of the Territory of Louisiana.

JOHN COBURN,

JOHN B. C. LUCAS,

OTHO SHRADER,

Judges in and over the Territory of Louisiana.

AN ACT,

To amend 'an Act for the punishment of certain crimes.'

BE *it enacted by the Legislature of the Territory of Louisiana.* That if any person or persons shall steal from another person or persons or from a dwelling house, shop, vessel, store house or other house, any money, goods, wares, or Merchandize or any other personal property or thing whatsoever, the person so offending shall be deemed guilty of larceny, and upon conviction thereof, shall, for the first offence, restore the things stolen to the owner thereof, and pay to him the value thereof, or two fold the value, if the thing stolen be not restored; and shall also be fined in a sum

Larceny

Punishment for 1st offence.

not exceeding two fold the value of the thing ſtolen, upon a ſecond conviction reſtitution and payment ſhall be made to the owner as aforeſaid, and a fine ſhall alſo be ſet and paid to the diſtrict not exceeding four fold the value as aforeſaid; and the offender be publicly whipped, not exceeding thirty nine ſtripes, and in like manner upon every ſucceeding conviction: and in caſe ſuch convict ſhall not have property wherewith to ſatisfy and diſcharge the ſentence of the Court, it ſhall be lawful for the Sheriff under the direction of the Court to bind ſuch perſon for labor for a term not exceeding ſeven years to any perſon who will diſcharge ſuch fine.

For 2d. offence.

Offender bound to labor in cartain cases.

Sec. 2. That ſo much of an act entitled 'An act for the puniſhment of certain crimes' paſſed 4th day of November, one thouſand eight hundred and eight, contained in 45th, Section of ſaid act as inflicts corporal puniſhment for the crime of altering and defacing marks and brands of horſes, cattle and hogs, and the ſixteenth ſection of the ſame act, ſhall, and the ſame is hereby repealed.

Repeal of former proviſions.

The foregoing is hereby declared to be a law of the Territory of Louiſiana to be in

force and take effect from and after the first day of January next.

Passed October 30th, 1810.

(Signed)

BENJAMIN HOWARD,

Governor of the Territory of Louisiana.

JOHN COBURN,

JOHN B. C. LUCAS,

OTHO SHRADER.

Judges in and over the Territory of Louisiana.

AN ACT,

Explanatory of the act entitled An act ascertaining the fees of the several officers and persons therein named and regulating the payment of costs on Indictments.

BE *it enacted by the Legislature of the Territory of Louisiana*, That the fees for the services of the Clerks and Sheriffs of the several Districts, whether the said fees be specifically ascertained by the act of this Territory entitled "An act ascertaining the fees of the several officers, and persons therein named, and regulating the payment of cost on indictments" whether the said fees be allowed by the respective Courts in case no fees are provided by law, are due, shall be allowed and paid from the District Treasury of the respective districts in all cases where the defendant, or his estate, or prose-

Fees to be allowed to clerks and sheriffs out of district treasury in certain cases.

cutor are not made liable to the payment of costs.

In force on passage.

The foregoing is hereby declared to be a law of the Territory of Louisiana, to take effect from and after the passage thereof.

Passed October 30th, 1810.

(Signed)

BENJAMIN HOWARD,

Governor of the Territory of Louisiana.

JOHN COBURN,

JOHN B. C. LUCAS,

OTHO SHRADER.

Judges in and over the Territory of Louisiana.

AN ACT,

Supplementary to an Act to defray the expences of certain Patroles in the Town of Saint Louis.

Accts. for patrole services in 1805 to be adjusted by the terl. auditor,

BE *it enacted by the Legislature of the Territory of Louisiana*, That the Territorial Auditor be authorized and directed to examine and adjust the accounts of any individuals, claiming compensation for services performed as a Patrole in the town of St. Louis in the year eighteen hundred and five by order of the Court of Quarter Sessions for the district of St. Louis, or monies advanced for the aforesaid purpose, and to grant in favor of such claimant or claimants, certificates on the

certificates to

territorial treasury for the payment of such

sum or sums, as shall appear to him due: *Provided*, the claim or claims thus adjusted shall not exceed the sum of nine hundred and sixty dollars. be given on a ter. treasurer.

The foregoing is hereby declared to be a law of the Territory of Louisiana to be in force and take effect from and after the first day of January next. In force 1st. Jan. 11.

Passed October 30th, 1810.

(Signed)

BENJAMIN HOWARD,
Governor of the Territory of Louisiana.

JOHN COBURN,
OTHO SHRADER,
Judges in and over the Territory of Louisiana.

AN ACT

Concerning Registered Boatmen.

BE *it enacted by the Legislature of the Territory of Louisiana*, That the Governor be authorized to appoint at such places on the navigable waters of this Territory, within any district thereof, as he shall deem proper, a competent person as Register for Boatmen, the said register shall take an oath of office and give bond in a sum, with security, to be approved of by the governor, which sum shall not exceed one thousand dollars for the due performance of the duties injoined on him by this Register of boatmen. oath & bond.

seal of office.

act; and shall provide a seal of office with which he shall authenticate his acts and attestations.

Master com. or owner bound on a voyage of more than 500 miles or of one month may make an agreement with his boatmen.

Sec. 2. That every master, commander or owner of any boat or craft, bound on a voyage from any place on the navigable waters of this territory to a place more than five hundred miles distant from the place where the boat or craft is fitted out or on a voyage for a longer time than one month, may, before he proceed on such voyage make an agreement in writing or in print with every boatman on board such boat or craft (except such as shall be apprentice or servant to such master, commander or owner) declaring the voyage or voyages term or terms of times for which such boatman shall be engaged; and the aforesaid agreement shall be acknowledged by the parties and filed before the Register of boatmen and a copy of such engagement certified under the hand and seal of office of the register shall be received as evidence in any court of justice.

to be acknowledged by parties & filed with register.

Time of rendering on board to be noted at foot of contract.

Sec. 3. That at the foot of every such contract or agreement there shall be a memorandum in writing of the day and hour on which such boatman who shall so engage and subscribe shall render himself on board to begin the voyage agreed upon. And if the boatman shall neglect to render himself on board of such boat or other craft at the time mentioned in such memoran-

forfeiture for not going on board.

dum, every such boatman shall forfeit for every hour which he shall so neglect to render himself, one day's pay, according to the rate of wages agreed upon, to be deducted out of his wages: *Provided* the master commander or owner shall make or cause to be made an entry thereof with the Register of Boatmen in a book to be kept for that purpose within twenty four hours, after such boatman has neglected to render himself on board. If, at any time after a contract has been entered into as aforesaid, between the trader and a boatman, any controversy should arise between them, it shall be the duty of the register aforesaid to hear and determine the said controversy in a summary way, where the sum in contest does not exceed sixty dollars; but where the sum exceeds sixty dollars, in such case, if either party require a Jury the said register shall issue his order to any Sheriff or Constable within the district in which he resides, requiring such sheriff or constable forthwith to summon a sufficient number of persons to constitute a Jury, which Jury when impannelled shall hear and determine the controversy and their verdict shall be made the Judgment of the said Register.

if entry of absence has been made with the register.

controversy between master and boatman to be decided in summary manner.

above £50 a jury may be summoned.

their verdict to be judgmt. of Register.

Sec. 4. If a Jury impannelled as aforesaid, should be of opinion that a contract entered into between a trader and a boatman, should be carried into effect agreeably to the terms of their contract, it shall be the duty of the Register to issue his warrant to any sheriff

Contracts specifically executed.

or conſtable and cauſe the ſaid boatman to be placed in the cuſtody of the trader, to be forthwith conveyed to the boat deſtined to be uſed in the performance of the voyage.

If master be indebted to the boatman, ſatisfaction muſt be made.

Sec. 5. If a Jury thus impannelled ſhould be of opinion that any payments were due from the trader to the boatman, the Regiſter in ſuch caſe ſhall, and he is hereby required to cauſe immediate ſatisfaction to be made to the boatman; both as to the amount found to be due to ſuch boatman, and all coſts incurred in proſecuting his claim, before any warrant for the apprehenſion of ſuch boatman ſhall be made out.

Power of regiſter in compelling attendance of parties and witneſſes.

process as ſpeedy as the caſe will permit.

Sec. 6. The Regiſter in cauſing any party or witneſſes to come before him, ſhall poſſeſs the ſame power and obſerve the ſame proceſs and proceedings as is uſed by a Juſtice of the peace in cauſes ariſing under his juriſdiction; *Provided* that the regiſter ſhall proceed to the hearing, determination and execution of his judgment in the moſt ſpeedy manner that the nature of the caſe and juſtice will permit.

Controverſy of the creditor of a boatman with the maſter.

antedate.

Sec. 7. If, on the hearing of any controverſy between the creditor of any boatman and the trader, the jury or the regiſter where he is impowered to decide ſhould be of opinion that the demand exhibited by ſuch creditor is antedated or has any marks of colluſion and fraud, the Jury ſhall ſo determine it and the boatman ſhall be forthwith liberated and exempted from arreſt

under such demand, leaving the creditor to his remedy against the boatman, after his period of services should expire: And if the jury or register should be of opinion that the demand of the creditor is fair and *bona fide* and created prior to the contract between the trader and the boatman, in such case a judgment shall be entered up against the boatman for the amount due, and execution issue as in case of judgments and executions by a justice of the peace, reserving to all persons their right of appeal to the court of common pleas as in ordinary cases, which appeal shall not operate to defeat or delay the execution of a virdict of a jury and the warrant of the register, where the boatman is adjudged to an immediate performance of his contract of service.

bona fide contracts.

appeals from the judgments of the register not to delay their execution.

Sec. 8. If, at any time a master of a boat shall fail to supply a boatman with necessary provisions or shall treat him with unusual severity or be guilty of any barbarous or inhuman conduct towards said boatman or shall fail to make such payments to him as by his contract he may be bound, in such cases it shall be lawful for the boatman to apply to any justice of the peace or the said register, and on hearing the complaints of the parties, the said justice or officer shall be authorized to discharge the boatman from his contract of service and to give judgment, and issue an execution for any debt due to said boatman under fifty dollars, and

Failure of a master to supply a boatman with provisions.

unusual severity or delay of payment.

boatman may be discharged from service and recover debts, damages &c.

the ſaid maſter or his employer ſhall be anſwerable beſides for damages to the ſaid boatman in the ordinary courſe of law.

Deserters after commencement of a voyage may be arrested and committed to jail.

Sec. 9. If, at any time, a regiſtered boatman ſhall deſert the ſervice of a maſter or trader, after the voyage is commenced, it ſhall be lawful for any juſtice of the peace, on application of ſaid maſter or trader to iſſue a warrant to apprehend ſaid boatman and cauſe him to be brought before him or any other juſtice of the peace within the territory, and if on hearing of the parties the juſtice ſhall be ſatisfied that the maſter or trader has complied with his contract with the boatman, and that ſaid boatmen has improperly left the ſervice of ſaid maſter, in ſuch caſe the juſtice may commit the ſaid boatman to jail there to remain not exceeding three months, *Provided* the ſaid boatman will not give ſecurity to be anſwerable for any damage which the ſaid maſter or trader may have experienced by the deſertion of ſuch boatman.

unless they give security.

Fine for secreting boatmen.

Sec, 10. If any perſon ſhall ſecrete any boatman who has contracted as provided for in the ſecond ſection of this act, every ſuch perſon ſhall forfeit and pay ten dollars for every day which he ſhall ſecrete ſuch boatman, one half to the perſon proſecuting for the ſame, the other half to the uſe of the diſtrict: and no ſum exceeding five dollars ſhall be recoverable from any boatman by any one perſon for any debts contracted

no debts above $5 recoverable if

from the time ſuch boatman has entered into a contract as aforeſaid until the voyage for which ſuch boatman was engaged ſhall be ended.

incurred after the contract of the boatman.

Sec. 11. If any perſon ſhall take any note of hand or other ſecurity in writing from any boatman, after he has entered into a contract as aforeſaid, and date or cauſe to be dated the ſame, back, to a day previous to the date of the contract with intent thereby to ſtop the boatman from entering on his voyage, ſuch note of hand or other ſecurity in writing is not only hereby declared null and void, but the perſon taking ſuch note, or other ſecurity in writing, his aiders and abettors ſhall upon conviction forfeit and pay a ſum not exceeding one hundred dollars the whole of which to be for the uſe of the perſon proſecuting for the ſame.

notes antedated for the purpose of detaining boatmen, void.

party taking such note fined.

Sec. 12. The proviſions of this act are limited to contracts entered into by maſters or owners who are American citizens and engaged in voyages and expeditions not contrary to laws of the United States.

This act limited to Amer. cits. and to voyages not contrary to U. S. laws.

Sec. 13. It ſhall not be lawful for any commander or owner of boats to ſell or barter any flour, biſket or other proviſions to any regiſtered boatman, whilſt the ſaid boatman is in his ſervice and performing a voyage, nor ſhall any charges made to the ſaid boatman for ſpiritous liquors ſold to

Provisions not to be sold to boatmen.

limitation of the sale of liquors.

ſaid boatman during ſaid voyage be recoverable and allowed but at a reaſonable rate and for any ſum not exceeding one tenth part of the wages of the reſpective boatmen for their ſaid voyages.

registers fees.

Sec. 14. The regiſter ſhall be entitled to the following fees: for taking the acknowledgment of the parties to a contract, one hundred cents; for drawing the contracts if required by the parties, fifty cents; for making an entry of a boatman not rendering himſelf on board agreeable to contract, twenty cents; for every certified copy with a ſeal of his office, twenty cents for every hundred words; for ſwearing a jury, one hundred cents; for iſſuing a warrant or execution fifty cents, and for all other ſervices the ſame fees as are allowed to juſtices of the peace in ſimilar caſes. The ſheriff or conſtable ſhall be entitled for their ſervices to the ſame fees as are allowed in ſimilar caſes for proces iſſued from the court of common pleas.

shf. and conſtable's fees.

Jail allowance of boatmen.

Sec. 15. When a boatman ſhall be committed to jail under the 9th ſection of this law it ſhall be the duty of the maſter or owner to pay weekly in advance ſuch allowance as the court of common pleas of the diſtrict or any two judges thereof in vacation may order for the keeping and maintaining ſuch boatman and for default of ſuch payment the boatman ſhall be diſcharged from confinement.

The foregoing is hereby declared to be a law of the Territory of Louisiana, to be in force from and after the passage thereof. In force on passage.

Passed October 30th, 1810.

Signed.

BENJAMIN HOWARD,
Governor of the Territory of Louisiana.
JOHN COBURN,
OTHO SHRADER,
Judges in and over the Territory of Louisiana.

AN ACT,

To amend an act entitled 'An act regulating the Militia.'

BE *it enacted by the Legislature of the Territory of Louisiana*, That the governor be, and he is hereby authorised to appoint an inspector general of the militia with the rank of colonel, who shall perform all the duties of a brigade inspector, beside those hereafter required of him and receive an annual salary of two hundred and fifty dollars as a full compensation. Inspector general with rank of colonel. duties. compensation.

Sec. 2. *And be it further enacted*, That the commander in chief be, and he is hereby authorized to order the officers of the different battalions and regiments of the militia to assemble at such times and places, and for such periods, not exceeding in the whole, six days in a year, as he may think Officers to assemble for military exercise.

proper, for the purpose of being instructed in military duty and exercise, agreeably to the rules and regulations prescribed by law. And it is hereby made the duty of the inspector general to attend at the times and places appointed by the commander in chief as aforesaid, and instruct the officers as aforesaid: and if such officers should fail to attend without a reasonable excuse, they shall be fined at the discretion of a court for the assessment of fines, in any sum not exceeding twenty dollars. It shall be the duty of the inspector General to make a return of such delinquent officers, if a field officer to the commander in chief, who shall proceed against such delinquent according to law; and if an inferior officer to the judge advocate, who shall proceed thereon as directed by the act to which this is a supplement.

inspecr. gen. to instruct them.

delinquencies reported & punished.

Musters.

Sec. 3. *And be it further enacted*, That the militia, shall muster twice annually by companies in the months of April and October, the day to be appointed by the commanding officer of the Regiment respectively; and once annually by battalions, in the month of May, the day to be appointed by the general orders of the commander in chief; and once annually, by regiments in the month of October, on a day to be appointed in like manner by the commander in chief: *Provided*, that the commander in chief may, by general order, when there

twice annually by companies

once by battalions

once by regiments.

is reaſon to believe that the actual ſervice of the militia may be ſhortly required, order as many more muſters as may appear neceſſary: *Provided*, no regiment ſhall be compelled to muſter more than twice; no battalion oftner than four times, nor any company oftner than eight times, in any one year.

other muſters may be ordered by com. in ch. if necessary.

Sec. 4. *And be it further enacted*, That the adjutant general ſhall hereafter receive, annually the ſum of one hundred dollars, as a full compenſation for his ſervices.

Pay of Adjt. Gen.

Sec. 5. *And be it further enacted*, That the ninth and twenty third ſections of the act to which this is a ſupplement, and ſo much of ſaid act as provides for an annual compenſation to the brigade inſpector and brigade major, be, and the ſame are hereby repealed. And this act ſhall take effect and be in force, from and after the fifteenth day of Novemoer next.

Part of the original law repealed.

in force 15th Nov. 1810.

Paſſed October 30, 1810.

(Signed)

BENJAMIN HOWARD,

Governer of the Territory of Louisiana.

JOHN COBURN,

JOHN B. C. LUCAS,

OTHO SHRADER.

Judges in and over the said Territory.

AN ACT,

For defraying the expences of publishing the Laws and for other purposes.

BE *it enacted by the Legislature of the Territory of Louisiana*, That the sum of three hundred dollars, be, and the same is hereby appropriated to defray the expences of publishing the laws, passed during the present session of the Legislature and the Governor is hereby authorized to contract with any printer for the printing of those laws, in such manner as he shall deem proper.

Appropriation of $300 for printing laws, of present session.

gov. to contract.

Sec. 2. That the sum of sixty dollars be paid to Edward Hempstead, out of any money in the Territorial Treasury not otherwise appropriated, in full for his services as Clerk of the Legislature, in the month of August one thousand eight hundred and nine, two days, attendance and stationary furnished; and twelve days attendance the present session and stationary furnished,

Sp approps. E. Hemp. stead $60.

Sec. 3. That the sum of twelve dollars be paid to Madame Susannah Dubrielle, out of any money in the Territorial Treasury not otherwise appropriated, in full for the rent of a room for the use of the Legislature during the present session.

Madame Dubreiulle $12.

The foregoing is hereby declared to be a law of the Territory of Louisiana to take

In force on passage.

effect and be in force from and after the passage thereof.

Passed October 30th, 1810.

(Signed)

BENJAMIN HOWARD,

Governor of the Territory of Louisiana,

JOHN COBURN,

JOHN B C. LUCAS,

OTHO SHRADER,

Judges in and over the Territory of Louisiana.

TERRITORY OF LOUISIANA.

SECRETARY'S OFFICE
December 6th, 1810.

I CERTIFY that the foregoing Acts of the Legislature, commencing with "An act regulating the mode of selecting and returning Jurors, in certain cases," ending with "An act for defraying the expences of pupliſhing the laws, and for other purpoſes," and contained in thiry nine Octavo pages, have been compared and found literally comformable with the originals preſerved in my office.

FREDERICK BATES.

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